IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 2ND NOVEMBER 2006 / 11TH KARTHIKA 1928

Bail Appl..No. 6144 of 2006()

CRIME NO.545/2006 OF KASABLA POLICE STATION

PETITIONER-ACCUSED

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1. JOY C.C.,
   CHERODAI HOUSE, P.O.KOTTENELLOOR,
   IRINJALAKUDY, THRISSUR.

2. SREE KALA,
   D/O.LATE ARAVINDAN, KODUMPULLY HOUSE,
   ALATHUR P.O., MALA, THRISSUR DISTRICT,
   NOW RESIDING AT CHERODAI HOUSE, KARSHAKA ROAD,
   VADUTHALA P.O., NEAR GREEN GARDEN, PACHALAM,
   ERNAKULAM DISTRICT.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS: STATE AND COMPLAINANT

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1. STATE OF KERALA,
   REP. BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. THE STATION HOUSE OFFICER,
   KASABA POLICE STATION,
   ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 6144 of 2006

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Dated this the 2nd day of November, 2006

O R D E R

Petitioners 1 and 2 are before this Court to prevent arrest in Crime No.545/2006 of Kasaba Police Station, Ernakulam, for the non bailable offence.

2. When the matter came up for consideration, the learned Public Prosecutor submitted that the second petitioner, Sree Kala, is not accused in the above crime. The first petitioner alone is arrayed as an accused and, hence, Section 34 I.P.C is not incorporated and the offence alleged against him are under Sections 420, 406, 468 and 471 of the Indian Penal Code.

3. The learned counsel for the petitioners submitted that the first petitioner was married to one Mini. There were no issues in the marriage and, therefore, with her consent and knowledge, he has got a relationship with the second petitioner, Sree Kala. There is a child in that relationship. All of them were residing in the same house. However, the other relatives of his wife, Mini, has instigated her to file different complaints and also various civil suits and

petitions, before the local family court as well. The counsel further submits that the first petitioner is prepared to undergo the process of investigation, to bring out the truth.

4. In the above fact situation, I direct the first petitioner, Joy C.C., to surrender before the Investigating Officer, who is investigating Crime No.545/2006 of Kasaba Police Station, Ernakulam, on 08/11/2006 between 9.30 a.m and 10 a.m.

5. In the event of the arrest of the first petitioner, he shall be released on bail, on his executing a bond for Rs.15,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Investigating Officer, arresting him.

6. The first petitioner shall be available for completion of the investigation, before the Investigating Officer, as and when required.

7. The second petitioner, Sree Kala, is not till now arrayed as an accused. Therefore, no order need be passed in respect of the prayer of the second petitioner.

The application is disposed of as above.

(J.M.JAMES)
Judge

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